

Docket No. 0649-0813P
Appl. No.: 09/970,927
Art Unit: 2645
Request for Reconsideration dated July 26, 2004
Reply to Office Action of April 26, 2004
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REMARKS

Applicant appreciates the Examiner's thorough consideration provided in the present application. Claims 1-9 are currently pending in the instant application. No amendments to the claims have been made by way of this response. Reconsideration of the present application is earnestly solicited.

Priority

Applicant appreciates the Examiner's indication of acceptance of the certified copies of the corresponding priority documents for the present application. In order to perfect Applicant's claim for priority under 35 U.S.C. § 119, Applicant has provided verified, English translations of corresponding Japanese Patent Document Nos. 2000-307983 (October 6, 2000); 2000-308079 (October 6, 2000); and 2000-354382 (November 21, 2000).

Drawings

Applicant would appreciate the Examiner's indication of acceptance of the formal drawings filed on October 5, 2001. In addition, Applicant notes that a Notice of Draftperson's Patent Drawing Review (PTO-948) has not been provided with the office action mailed on April 26, 2004. Applicant submits that the formal drawings filed with the present application do not contain any

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informalities that would require correction by Applicant. Accordingly, in the absence of additional comments by the Examiner in a subsequent action, Applicant submits that the drawings of the present application should have been approved by the Examiner. The Examiner is requested to contact the undersigned via telephone in the Washington, DC area if any issues remain with respect to the drawings after entry and consideration of this response.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-9 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Ohmura (U.S. Patent No. 6,701,845) or Tanaka et al. (U.S. Patent Publication No. 2001/0048534 A1). These rejections are respectfully traversed.

Without conceding the propriety of the Examiner's rejections, but merely to expedite the prosecution of the present application, Applicant has submitted verified English translations of the corresponding foreign priority documents for the present application in order to perfect Applicant's claim for priority under 35 U.S.C. § 119. The present application was filed on October 5, 2001 and properly claims priority to Japanese Patent Application Nos. 2000-307983 (October 6, 2000); 2000-308079 (October 6, 2000); and 2000-354382 (November 21, 2000) under 35 U.S.C. § 119. Therefore, Applicant submits that

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the Examiner's rejection under 35 U.S.C. § 102(e) has been overcome as the foreign priority filing dates antedate the references relied upon by the Examiner and have been perfected by Applicant. Accordingly, these rejections have been obviated and/or rendered moot.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of- the-art, no further comments are deemed necessary with respect thereto.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Marc S. Weiner
for Reg. No. 32,181 #43,368

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

MSW/MTS/cl

Attachments